Revised

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.581 (MS) OF 2006

Ram Naresh, Aged about 42 years,
S/o Sri Telu Ram,
R/o Village-Jhabrera, Post Office-Jhabrera Khas,
Tehsil-Roorkee, District-Haridwar. .....Petitioner.

Versus

1. District Magistrate/Collector, Haridwar.
2. Tehsildar, Tehsil-Roorkee, District Haridwar.
3. The Punjab National Bank, Branch Bhaktowali, Haridwar, through its Branch Manager. .....Respondents.

Dated: 19.05.2006

Hon'ble Rajesh Tandon, J.

Heard Sri S.K. Mandal, Advocate for the petitioner and Sri M.C. Pandey, Advocate for the respondent no. 3.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the recovery citation dated 25.4.2006 (Annexure No. 3 to the writ petition) issued by the respondent no. 2. Further prayer has been made for a writ of mandamus directing and commanding the respondents to recover the amount in question from the petitioner in easy instalments.

Briefly stated, according to the case of petitioner, he took an agricultural loan on 13.03.2003 for a sum of Rs. 25,000/- for agricultural purpose form the respondent Bank

i.e. respondent no. 3 at the rate of simple interest and the total amount had to be paid repaid within three years in annual installments.

The petitioner has submitted that there is a disputed in his family about the land, due to which he could not cultivate the agricultural land and could not pay the aforesaid laon amount.

On 25.04.2006, the respondents Bank issued a recovery against the petition for the recovery of a sum of Rs. 31,796/- and other dues from the petitioner.

After receiving the recovery citation the petitioner approached the respondent no. 2 on 02.05.2006 for permitting him to deposit the amount in easy instalments, but the respondent no. 2 did not permit him to do so.

Learned counsel for the petitioner has submitted that he is a very poor person and is not in a position to deposit the entire amount in one time, however, he is ready to repay the same in easy instalmens.

A writ of mandamus is issued directing the respondent Bank to permit the petitioner to deposit the amount in 4 equal four monthly instalmens.

First instalments shall be deposited by 15th of June, 2006 and the rest in three quarterly instalments. The recovery proceedings initiated the petitioner shall remain stated.

With petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

19.05.2006
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